

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**1:11-cv-136-RJC**

<b>TERRANCE L. JAMES-BEY,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>STATE OF NORTH CAROLINA,</b>	)	
<b>NORTH CAROLINA DEPARTMENT</b>	)	
<b>OF CORRECTIONS, UNITED STATES</b>	)	
<b>COPRORATION,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**ORDER**

**THIS MATTER** comes before the Court on initial review of a Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus. (Doc. No. 1). Petitioner Terrance L. James-Bey (“Petitioner”), a prisoner of the State of North Carolina, has also submitted an Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2), and a Motion for Default Judgment, (Doc. No. 3).

Rule 4 of the Rules governing § 2254 cases directs habeas courts to promptly examine habeas petitions. 28 U.S.C.A. foll. § 2254. When it plainly appears from any such petition and any attached exhibits that the petitioner is not entitled to relief, the reviewing court must dismiss the motion. Id. Following this directive, the Court has reviewed the instant Petition and determined that it must be dismissed.

Petitioner’s sole argument for habeas corpus is that the State of North Carolina cannot lawfully exert jurisdiction over him because he is a “Moorish-American national with permanent character.” (Doc. No. 1 at 3). In Headen-El v. Keller, the Eastern District of North Carolina dismissed an identical Petition on initial review. No. 1:11-cv-590, 2011 WL 3568282, at \*2

(E.D.N.C. Aug. 15, 2011). The court stated that it was “aware of no instance where such a claim has succeeded or even been recognized as potentially viable.” Id. It then dismissed the case because it “plainly appear[ed] from the Petition and attached exhibits that Petitioner [was] not entitled to any relief.” Id.

Likewise, it plainly appears that this Petitioner is not entitled to relief. His Petition, (Doc. No. 1), is **DISMISSED**. Petitioner’s Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2), is **GRANTED**. But his Motion for Default Judgment, (Doc. No. 3), is **DENIED**, as the respondents were never served.

**IT IS, THEREFORE, ORDERED that:**

1. Petitioner’s § 2254 Petition, (Doc. No. 1), is **DISMISSED**;
2. Petitioner’s Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2), is **GRANTED**; and
3. Petitioner’s Motion for Default Judgment, (Doc. No. 3), is **DENIED**.

Signed: January 11, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

